



Application granted. The pending motions are deemed withdrawn without prejudice to re-filing in the event settlement is not effectuated. The parties are directed to notify the Court via ECF filing of the status of the settlement by 5/29/20. The Clerk is requested to terminate the motions (Docs. 49, 58).

April 27, 2020

**VIA CM/ECF**

Honorable Philip M. Halpern, U.S.D.J.  
United States District Court for the SDNY  
500 Pearl Street  
New York, NY 10007

SO ORDERED.

A handwritten signature of Philip M. Halpern in black ink.

Philip M. Halpern  
United States District Judge

Dated: New York, New York  
April 27, 2020

Re: *Bank of America, N.A. v. Kingston Candy & Tobacco Co., Inc., et al.*

Docket No.: 7:17-cv-1943-PMH

Joint Letter-Motion re Withdrawal of pending motions without prejudice

Your Honor:

This is a joint letter motion by counsel to the plaintiff Bank of America, N.A. (the “**Plaintiff**”) and counsel to the defendants, Kingston Candy & Tobacco Co, Inc., Newburgh Realty Partners, LLC and Jignesh Raval (collectively, the “**Defendants**”) to withdraw without prejudice the Plaintiff’s pending Motion for Summary Judgment [Docs. 49-54] and the Defendants’ Motion to Strike [Docs. 58-60] (collectively, the “**Motions**”), which are returnable today, as the parties work to document a settlement of all outstanding issues in the case.

The Motions were filed during the assignment of the case to the Honorable Kenneth M. Karas. Subsequently, on April 20, 2020, the case was reassigned to your Honor.

Subject to the Court’s approval, it is respectfully requested that in the event that the parties are not able to reach a settlement agreement within 30 days, the parties will advise the Court by written communication, pursuant to which the Plaintiff may request the Court to proceed with re-filing a Motion for Summary Judgment.

Respectfully submitted,

/s/Michael Adam Samuels  
Michael Adam Samuels  
Counsel to the Plaintiff

/s/Jason F. Lowe  
Jason F. Lowe  
Counsel to the Defendants